

Application Serial No. 10/553,331
Reply to office action of February 11, 2009

PATENT
Docket: CU-4470

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 1-29 are pending before this amendment. By the present amendment, claim 29 is canceled without prejudice; claims 1-6, 9-19 and 21-28 are amended; and new claims 30-36 are added.

In the office action (page 2), claims 6, 14 and 19 stand objected to for containing informalities.

In response, the applicant has amended claims 6 and 19 as suggested by the examiner. With regard to claim 14, the applicant has deleted the phrase "to the first of the regions" rendering the objection to claim 14 moot. Accordingly, the applicant submits that any grounds for objection have been eliminated, and respectfully requests withdrawal of the aforementioned objections to claims 6, 14, and 19.

In the office action (page 2), claim 14 stands rejected under 35 U.S.C. §101 as not falling within one of the four statutory categories of invention.

As indicated by the examiner, as set out in *In re Bilski*, a statutory "process" under §101 must be (1) tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter to a different state or thing.

Embodiments of the present invention include methods for transferring a resource, such as an electrical power system, in a decentralized resource network having an area comprising a plurality of regions (specification page 1, lines 5-19). The applicants have amended claim 14 to clarify this aspect of the present invention as follows:

--A method for transferring electrical power within an area having a plurality of regions, the method comprising the steps:

determining whether any one or more of the regions requires an amount of electrical power using a determining means;

issuing a request to at least one of the regions for the amount of electrical power using the determining means; and

transferring the amount of electrical power from the at least one of the regions to the any one or more of the regions any one or more of the regions using a transferring means.--

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Support for the above amendment is found at least in the specification page 11, lines 5-10, 20-25; and page 13, lines 1-5; thus no new matter has been added.

The applicants respectfully submit that as amended, the present invention of claim 14 clearly falls within the first prong of Bilski as set out by the examiner, at least because the present invention of claim 14 includes the --determining means-- and the --transferring means--. Specifically, the applicants submit that the claimed --transferring means-- provides a clear tie to a particular apparatus because it is well known in the art that distributing and transferring electrical power cannot be accomplished completely mentally, verbally, or without a machine. As such, the applicants respectfully request withdrawal of the §101 rejection because claim 14 as amended provides a tie to a particular apparatus, i.e., the --transferring means--.

In the office action (page 3), claims 28 and 29 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

In response, the applicants have amended claim 28 to include all of the limitations of claim 29, which has been cancelled without prejudice, as follows:

--A computer readable storage medium having computer software stored thereon which, when executed by a computing system, allows the computing system to carry out the method as claimed in any one of claims 14 to 23--

Support for the above amendment is found at least in original claims 28-29, and in the specification page 8, lines 8-17; thus no new matter has been added.

The applicants respectfully submit that claim 28 provides a clear tie to an apparatus, the --computer readable storage medium--, and therefore is considered to be statutory subject matter.

Further, the examiner alleges in the office action (page 4), that a computer readable medium can be considered a "signal medium", and therefore does not limit the present invention to a physical structure, and is therefore not statutory subject matter. The applicants respectfully disagree and submit that a person having ordinary skill in the art would recognize a "computer readable medium" as being tangible. However, to avoid any unnecessary delay in prosecution, the applicants have amended "computer

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readable medium" to recite --computer readable storage medium having computer software stored thereon--. The applicants respectfully submit that as amended claim 28 precludes a signal medium because a signal medium is not capable of being a storage medium. As such, the applicants submit that claim 28 now clearly includes only statutory subject matter and respectfully request withdrawal of the §101 rejection.

In the office action (page 4), claims 1-12, 14-22, 24 and 25 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0203832 (An).

It seems that the examiner is alleging that using excess capacity from another cellular radio base station constitutes "transfer of a resource"; the applicants respectfully disagree. The applicants submit person of ordinary skill in the art would understand that upon reading the application as a whole, that a "resource" in the context of the specification means a physical resource such as electricity, gas, or water, not a communications service. The transmission from a cellular base station is not directed to a particular region, but rather indiscriminately broadcast in all directions. The applicants respectfully submit that such indiscriminant broadcast is not a "transfer of a resource" as should be understood from the context of the application as a whole.

To clarify this aspect of the present invention, the term "resource" has been amended throughout the claims to recite --electrical power-- to more clearly define the present invention.

The applicants respectfully submit that nowhere in An teaches claim 1 as amended above. An relates to a method for managing wireless assets in a coverage area in a wireless communications system (An page 1, [0001]). An is completely silent regarding any method or system for transferring --electrical power--, and nowhere in An so much as mentions the claimed --determining means-- which is --operable to determine whether any one or more of the regions requires an amount of electrical power-- and --operable to issue a request to at least one of the regions for the amount of electrical power--; or the claimed --transferring means operable to transfer the amount of electrical power from the at least one of the regions to the any one or more of the regions--.

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In contrast to the presently claimed invention, An is not related at all to a system for transferring electrical power, but rather An relates to a method for managing wireless networks. The applicants respectfully submit that An fails to teach each and every element of claim 1 at least for the reasons above. As such, the applicants respectfully request withdrawal of the aforementioned rejection and an earnestly solicit an indication of allowable subject matter with regard to claim 1.

With regard to claims 14 and 24, these claims have also been amended to replace the "resource" with --electrical power--. As such, the applicants submit that An fails to teach each and every element of claims 14 and 24 at least for the reasons advanced above with regard to claim 1, and as such, claims 14 and 24 are considered to be allowable at least for the reasons above. The applicants respectfully request withdrawal of the aforementioned rejections and earnestly solicit an indication of allowable subject matter with regard to claims 14 and 24.

Further, new claims 30-36 have been added. Claim 30 is similar to claim 1 but is more specific regarding hardware elements. Support for these claims is throughout the specification, at least found in the specification page 9, lines 6-12; and page 11, line 27 to page 12, line 19; thus no new matter has been added. The applicants respectfully submit that claims 30-36 are allowable at least since these claims include features regarding the --transferring [of] electrical power--, which is not taught by any of the cited references as described above.

In the office action (page 14), claims 13, 23 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over An in view of U.S. Patent No. 6,411,810 (Maxemchuk).

In the office action (page 14), claims 26, 28 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over An in view of U.S. Patent No. 6,970,709 (Williams).

Maxemchuk and Williams are also directed to methods of distributing wireless communication resources, and therefore fail to teach or even suggest the features of the presently claimed invention, at least because the presently claimed invention is directed to a method and system for --transferring electrical power--. As such, none of

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An, Maxemchuk, or Williams, whether considered alone or in combination, teaches or even remotely suggests the features of the presently claimed invention and the applicants respectfully request withdrawal of the aforementioned rejections.

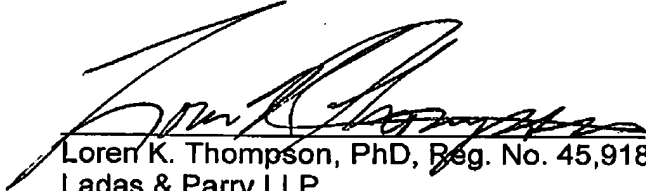
As to the dependent claims 2-13, 15-23, 25-28, and 31-36, the applicant respectfully submits that these claims are allowable at least since they depend from one of claims 1, 14, 24, and 30, which are considered to be in condition for allowance for the reasons above.

For the reasons set forth above, the applicants respectfully submit that claims 1-28 and 30-36, now pending in this application, are in condition for allowance over the cited references. Accordingly, the applicants respectfully request reconsideration and withdrawal of the outstanding rejections and earnestly solicit an indication of allowable subject matter.

This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

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